United Nations S/2018/658

Security Council

Distr.: General
31 July 2018

Original: English

# Letter dated 27 June 2018 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, in its capacity as Chair of the Agreement Monitoring Committee, I have the honour to enclose herewith the first report of the Independent Observer, the Carter Center, regarding the implementation of the Agreement on Peace and Reconciliation in Mali emanating from the Algiers process (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Sabri **Boukadoum**
Ambassador
Permanent Representative

18-12676 (E) 030818 060818

Please recycle

## Annex to the letter dated 27 June 2018 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council

[Original: French]

# Report of the Independent Observer

### Observations on the implementation of the Agreement on Peace and Reconciliation in Mali emanating from the Algiers process

*Reporting period: 15 January to 30 April 2018*

28 May 2018

# Contents


| | Page |
|---|---|
| Terms of reference and summary | 4 |
| Introduction | 5 |
| General observations | 6 |
| Specific observations | 10 |
| Recommendations | 11 |
| Conclusions | 12 |

**Terms of reference and summary**

This report covers the period from mid-January to the end of April 2018 and represents the first published report of the Independent Observer since assuming that role. Article 63 of the Agreement on Peace and Reconciliation in Mali emanating from the Algiers Process established the Independent Observer to identify impediments in the implementation process and recommend steps to advance the Agreement. The Agreement Monitoring Committee appointed the Carter Center as the Independent Observer, an initiative welcomed by the Security Council in its resolution 2391 (2017). All details, observations and recommendations are based on the information provided by the Malian parties, civil society and members of the international community engaged in Mali.

It is important to emphasize the essential context in which this first report has been drafted — a sustained cessation of fighting between the signatory parties to the Agreement, which is a testament to its validity. Indeed, despite considerable delays in implementation, the parties continue to confirm their adherence to the Agreement and the climate among them is improving, which is paving the way towards the hope of significant progress. There are major underlying tensions, however, especially between Coordination des mouvements de l'Azawad (CMA) and the Platform coalition of armed groups (the Platform), and between both of those groups and splinter groups. The latter have threatened violence unless they are included in a more significant way in the process of implementing the Agreement. Mali has also been deeply affected by the deterioration of the security situation, including because of increased terrorist threats.

Reporting is based on the timeline of priority actions developed by the Malian parties (Government, CMA and the Platform) and endorsed by the Agreement Monitoring Committee at its twenty-third session. The timeline was subsequently reworked into a road map for the implementation of the timeline of priority actions, signed on 22 March and endorsed by the Agreement Monitoring Committee at its twenty-fourth session.

The Independent Observer has noted a tendency to focus on peripheral and prerequisite elements of the Agreement, such as setting up the Operational Coordination Mechanism, establishing the interim authorities or operationalizing the new regions, rather than on the three fundamental pillars of the Agreement, namely: (i) a new governance architecture for Mali; (ii) the redeployment of a reconstituted and representative national army, including the disarmament of former combatants; and (iii) a Northern Development Zone. Furthermore, the Independent Observer has noted that two parts of the Agreement — "socioeconomic and cultural development" (part IV) and "reconciliation, justice and humanitarian issues" (part V) — barely figure among the main considerations addressed by Malian parties over the reporting period.

CMA and the Platform (the Movements) generally appear to believe that they bear little responsibility for the proactive implementation of the Agreement. At the same time, the Government does not seem to have sufficiently taken the lead in the implementation process and has not always provided the necessary means, structures and strategy to meet its responsibilities. Examples of the impact of both attitudes can be seen in the ever-changing reasons why the Movements have refused to provide lists of their combatants, and in the Government's long list of excuses for not providing the funds needed by the interim authorities, which have been in place since February 2017, to carry out their duties.

The Agreement Monitoring Committee has largely confined itself to monitoring the actions of the parties, to the detriment of the other tasks assigned to it under article 60 of the Agreement.

Through multiple and varied discussions with the population and key actors in Mali, the Independent Observer has noted that a clear understanding of the Agreement is lacking throughout the country — a factor which, if left unaddressed, could hamper implementation.

The lack of participation by civil society in this process is also likely to undermine the achievement of the Agreement's objectives. Civil society – especially women, youth, the media, the political class, traditional communicators and traditional and religious authorities — were called upon to support implementation in article 51 of the Agreement.

The signatory parties, the political class and civil society share the view that the international community is not fulfilling its role, including the Governments that committed themselves as guarantors of the Agreement. For their part, the international actors engaged in Mali are making significant investments in an extremely difficu' context. The Independent Observer recognizes a need for enhanced mutual communication.

The Independent Observer recommends that the Malian parties and international actors should urgently devote greater attention to the central objectives of the Agreement, in particular by addressing the three pillars in the formulation of the next timelines and road map.

The Malian parties should jointly develop a communications strategy to make the Agreement a common cause for all Malians. Such action is critical if the Agreement is to become the cornerstone of lasting peace in Mali.

Recent measures to accelerate implementation, including the Prime Minister's visit to Kidal and the presence of elements of the Malian Armed Forces in the Operational Coordination Mechanism's Kidal battalion, are encouraging signs concerning the implementation of the Agreement. These steps represent significant progress, despite major delays in the implementation of the road map. In broader term, the parties will need to set realistic goals based on the fundamental pillars of the Agreement, as lasting peace in Mali truly depends on this.

**Introduction**

The Carter Center assumed the role of Independent Observer at the twenty-third session of the Agreement Monitoring Committee, held on 15 and 16 January 2018. Since then the Independent Observer has undertaken to carry out the mandate established by article 63 of the Agreement, which stipulates: "Every four months the observer shall publish a comprehensive report on the implementation of the commitments undertaken in the Agreement. The report shall identify any impediments, determine responsibility and recommend the steps to be taken."

The Independent Observer's efforts are led by Special Advisor Bisa Williams, a former ambassador and career diplomat with the United States Department of State. She is supported by Deputy Special Advisor Jean Ntolé Kazadi, who previously served as the chief political advisor and head of the political unit of the African Union Mission for Mali and the Sahel (MISAHEL). The numerous activities to implement the Agreement are monitored by the office established by the Independent Observer in Bamako, with support from the Carter Center's headquarters in Atlanta.

The Independent Observer's work primarily takes into account the commitments made by the Malian signatories to the Agreement: the Government, CMA and the

Platform. However, it also addresses the responsibilities discharged by those bodies and actors entrusted with providing guarantees and support: the Agreement Monitoring Committee, international mediation and the international community. The Independent Observer also engages with the actors called upon in article 51 to support the achievement of the objectives of the Agreement: the political class and civil society, especially women, youth, the media, traditional communicators and traditional and religious authorities.

The Independent Observer's approach is based on:

- Regular contacts with the Malian parties and with all other bodies and actors mentioned above;
- Participation in consultations among the Malian parties;
- Direct engagement with the institutions and persons responsible for executing specific points in timelines or road maps for the implementation of the Agreement;
- Attendance at meetings of the Agreement Monitoring Committee and its subcommittees;
- Meeting with the actors mentioned in article 51, both in Bamako and during visits to such regions as Gao, Kidal, Timbuktu, Mopti, Ménaka, Ségou and Sikasso, with the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and with national and international non-governmental organizations.

The Independent Observer has also taken into consideration documentation from the Agreement Monitoring Committee, the Malian parties (individually or collectively), civil society and the international community, including Security Council resolutions, reports of the Secretary-General and communiqués of the African Union's Peace and Security Council.

The Carter Center would like to thank all the people and actors mentioned here for their openness and availability, which facilitated the fulfilment of its mandate.

The observations contained in this first report cover the period from 15 January to 30 April 2018. In practical terms, the Independent Observer measured progress based on the timeline that was endorsed by the Agreement Monitoring Committee, reworked into a road map and ultimately reflected in the "tasks indicated by the road map for the implementation of the timeline of priority actions".

## General observations

**A new timeline**: The Independent Observer's first working day coincided with the adoption of the timeline of priority actions. The Independent Observer noted on that occasion a mixture of enthusiasm and scepticism among the Movements and members of the international mediation team. The Movements expressed some enthusiasm, stating that the new Prime Minister had introduced a "new vision and working methods". The international mediation team shared cautious optimism, viewing the timeline as a pragmatic guidance tool after several months of inaction.

However, other observers expressed scepticism, wondering how long all of this would hold together and whether the Prime Minister would be able to ensure that the responsible ministries fulfilled the commitments made. Since 2015, the international partners of Mali have seen several timetables, understandings and other arrangements signed by the parties but only partially achieved or not implemented.

The timeline for the Malian parties endorsed by the Agreement Monitoring Committee could be a step forward, but it must be accompanied by a genuine change in the mindset, working methods and relationships between the parties.

**Low confidence, responsibilities and leadership**: All Malian parties continue to declare their full and ongoing adherence to the Agreement. However, many challenges remain to be addressed before this declared commitment can be transformed into concrete outcomes. Among these challenges are:

- The continued low level of trust among the parties and the lack of initiative and determination to jointly pursue common goals and uphold the commitments made under the Agreement in a systematic and rigorous manner;
- The tendency towards inertia and tactical calculations, with initiatives taken only as a one-time impetus or under the pressure of events. Once the impetus or event has passed, enthusiasm wanes until the next time;
- The lack of genuine ownership of the Agreement by the parties and their failure to inform the rest of the population about it or involve other actors in the implementation process, particularly those mentioned in article 51 of the Agreement. The political class and civil society reproach the parties for not making the Agreement a truly national cause;
- The tendency of the parties to set unrealistic deadlines. While all observers have been pleased to witness a sincere, open and intense dialogue among the parties, the Independent Observer was concerned that it took three months to move from the timeline endorsed by the Agreement Monitoring Committee in January to the road map of 22 March, followed by the "tasks indicated" on 5 April, with relatively few concrete actions taken over that period;
- The ability, especially of the Movements, to overcome their tensions. The Independent Observer has been encouraged over the past four months by the level of collaboration and coordination between CMA and the Platform. However, underlying tensions persist, including regarding access to Kidal. These have been illustrated by the strident positions at times taken by one party of the Platform on the occasion of the Prime Minister's visit to the northern regions, and in a letter from the "signatory movements protesting transgressions in the peace process", addressed to the Chair of the Agreement Monitoring Committee at its April session;
- The recent declaration by splinter groups threatening to "use all means, including force" to prevent implementation of the Agreement if their concerns are not taken into account. This poses a direct threat to peace in Mali and is a clear example of the tensions between and within the Movements. This threat illustrates the cynical paradox of armed groups that attempt to use violence to advance implementation of the Agreement, and calls into question their sincerity.

The Movements have a tendency not to feel responsible for the implementation of the Agreement, with CMA and the Platform waiting for proposals. They set conditions and prerequisites for approaches by the Government and the Agreement Monitoring Committee, and sometimes resist requests made in the common interest. Endless debates on the provision of heavy weaponry and vehicles to support the Operational Coordination Mechanism's battalion in Kidal and Timbuktu illustrate this point. It often takes several technical meetings and consultations for the Movements to finally carry out what they claim to have been doing for several months. There is weak coordination between the representatives assigned to technical consultative bodies and the political leaders of CMA and the Platform, which often leads to the technical solutions identified being challenged by those leaders at higher forums, such

as the Agreement Monitoring Committee. Another implementation challenge is the growing gap on the ground between the Movements and the population, since the Movements are unable to show what progress is being made under the Agreement.

All actors — the Government, the Movements, the Agreement Monitoring Committee and the international community — have recognized the Government as the main actor responsible for encouraging the sustained implementation of the Agreement. However, the Independent Observer believes that the Government has not sufficiently assumed this responsibility or consistently provided the means, structures and strategy necessary for its leadership of the process. The Independent Observer has observed senior government officials disavow their own signatures on documents negotiated with the Movements. In January, the participation of the Government's team in the Agreement Monitoring Committee was inconsistent, with alternating and only moderately informed representatives. There appears to have been a reversal of this trend since then.

The Government initiated a number of legislative or administrative texts that were subsequently challenged by the Movements for non-compliance with the Agreement. The subjects of these texts were then reopened for discussion under the current road map. While this step demonstrates the Government's openness to negotiation, the absence of prior consultations with the Movements to draft Agreement-related texts generated an atmosphere of confusion and mistrust about the Government's commitment to implementation. The most significant examples of this are the Free Administration Act and the Territorial Units Code.

Fortunately, the Prime Minister's firm resolve and determination to prioritize and give a new impetus to implementation of the Agreement, announced to the National Assembly on 22 April and to the Agreement Monitoring Committee on the following day, responded to these concerns. To this can be added the robust efforts now being led by the High Representative of the President of the Republic for the implementation of the Agreement, within his framework for consultations among the parties.

**Neglect of the main elements of the Agreement**: The central issues of the Agreement — (i) a new institutional architecture for Mali; (ii) the redeployment of a reconstituted and representative national army, including the disarmament of former combatants; and (iii) a Northern Development Zone — seem to have been neglected in favour of more peripheral or prerequisite elements, such as the interim authorities, the Operational Coordination Mechanism and the operationalization of the regions of Ménaka and Taoudenni. These issues have dominated the parties' discussions and have partially paralysed action by the Agreement Monitoring Committee and the implementation process.

The Independent Observer also notes that the issues of "socioeconomic and cultural development" (part IV of the Agreement) and "reconciliation, justice and humanitarian issues" (part V) barely register in the timeline of priority actions or in the road map. While security constraints continue to exist, the almost total lack of reference to these two parts is notable.

**Support for implementation**: In conversations with members of the Agreement Monitoring Committee, the Independent Observer has noted a reluctance to intervene directly to resolve disputes between the Government and the Movements. This approach has not contributed sufficiently to driving implementation forward and has given the Malian parties the impression that the international community does not fully support the Agreement. The Independent Observer believes that it would be constructive for implementation of the Agreement if the Agreement Monitoring Committee more actively fulfilled all aspects of its mandate under article 60, particularly its role to "monitor, oversee, supervise and coordinate the effective

implementation by the Parties of all provisions of the Agreement" and "reconcile the points of view of the Parties, if necessary".

**A lack of understanding of the Agreement and the implementation process, and a lack of involvement by civil society**: A recurrent theme in the course of the Independent Observer's consultations was the lack of understanding of the Agreement by the Malian public and the lack of involvement in the implementation process by the actors identified in article 51. Without an appropriate communications strategy, it will be difficult to dispel fears about the Agreement in southern, central and northern Mali. The Government is not the sole target of complaints. The Movements are often criticized for failing to inform the populations that they say they represent how the Agreement would benefit them, how the implementation process works, what issues are under discussion and what rationale lies behind the decisions. Consequently, populations in Bamako and in the northern region in particular describe feeling estranged not only from their political leadership, but also from the Agreement. They distrust the current peace process and are developing a growing mistrust of their representatives.

Civil society, especially youth and women, believes that two years of political discussions in the Agreement Monitoring Committee have been a substitute for genuine decision-making. In short, they feel that the implementation process has become more important than the objectives of the Agreement, which was itself arrived at after considerable sacrifice. This sense of neglected priorities led to the frustration and disappointment expressed by all segments of civil society consulted. The Independent Observer was repeatedly reminded by civil society, especially youth, that the purpose of the Agreement was to find solutions to long-standing problems such as unemployment, the lack of basic services and violence. The overriding priority, especially for women in northern Mali, is the disarmament and demobilization of armed men.

The launch of the Independent Observer's mission was welcomed by the parties, the Agreement Monitoring Committee and local actors, who expressed the hope that it would give a new impetus to the implementation of the Agreement. However, confusion remains, both among the parties and civil society, about the distinction between the Independent Observer and the Security Council Committee established pursuant to resolution 2374 (2017) concerning Mali. The Independent Observer is distinct from this Committee and has no authority to impose sanctions.

**No peace dividend and neglected priorities**: Another major issue in the northern regions concerns the lack of a peace dividend. There is a lack of general knowledge about the development projects undertaken to support peace. This impression is reinforced by the growing insecurity, the lack of government services and institutions, and the lack of progress in the implementation of the Agreement. The Independent Observer is aware of the efforts of the development partners of Mali, in an especially difficult situation, to support access to water, electricity, schools and health care for communities in need. Unfortunately, local populations do not appear to recognize the linkage between these projects and the implementation of the Agreement. They feel resentment toward the international community for this perceived failure to deliver the peace dividend.

**Perceived absence of the international community**: Representatives of the Government, the Agreement Monitoring Committee, the Platform, the political class and civil society share the view that the international community is not completely fulfilling its role, especially those engaged as guarantors of the Agreement. Interlocutors expressed a strong desire for the international community to play a more proactive role.

**Specific observations**

These observations mainly pertain to the commitments that were undertaken by the parties in the road map and were scheduled for March and April 2018. The Independent Observer notes that, by the end of the reporting period, only one of these commitments had been fully implemented.

**Establishment of territorial units for the regions of Ménaka and Taoudenni** (deadline: April 2018) — The draft law proposed by the Government concerning the establishment of territorial units for the regions of Taoudenni and Ménaka has been finalized and is scheduled for the current session of the National Assembly. As at 24 April, the date announced by the Government for the adoption of the law by the National Assembly, the text had not been adopted.

**Effective functioning of the interim authorities** (deadline: April) — The budget for the interim authorities — nine billion CFA francs — has been adopted by the Government and the distribution table transmitted to the High Representative for transfer to members of the Agreement Monitoring Committee. The allocation of the budget is contingent, inter alia, on the existence of human and material resources for the interim authorities. On 30 April the Minister of Territorial Units sent a letter to the interim authorities asking them to transmit their human-resource needs before 31 May so that he could begin the process of recruiting staff through a public competition. Financial resources have been approved for the rehabilitation and construction of infrastructure for the interim authorities, but not yet dispersed. As competitive staff recruitment is a lengthy process, the disbursement of funds to the interim authorities is not expected for several months.

**Strengthening the capacity of the Operational Coordination Mechanism's battalion in Gao with heavy weapons** (deadline: March–April) — The Government announced that six crew-served weapons intended for the Operational Coordination Mechanism in Gao were housed in a store of the military region.

The Platform and CMA committed to providing the first portion of heavy weapons for the Operational Coordination Mechanism's battalion in Gao, Timbuktu and Kidal as soon as the administrative and logistical problems were resolved and the reception conditions (tents, etc.) were met.

**Establishment and operationalization of the Operational Coordination Mechanism's battalions in Kidal and Timbuktu** (deadline: March–April) — The unit designated by the Malian Armed Forces was already present in Kidal on 30 April, but only 43 out of 51 anticipated members (17 per party) had been registered. The Independent Observer also notes the disappearance of much of the equipment (uniforms, tents, etc.) intended for the Operational Coordination Mechanism in Kidal. Lists for the establishment of the Timbuktu battalion had already been transmitted, but the combatants were not yet in place.

**Identification and redeployment of combatants who were formerly members of the Malian Armed Forces** (deadline: March–April) — This issue, already discussed by the Technical Commission on Security, was again raised at the high-level workshop held from 26 to 28 April. Owing to the fact that the parties could not reach agreement on the issue of the ranks to be attributed to reintegrated former combatants, this agenda item was again postponed until an ad hoc commission meeting scheduled for 15 May.

**Identification of combatants eligible for integration or disarmament, demobilization and reintegration** (deadline: March–April) — The Government announced 28 April as the date for receipt of the records completed by combatants. That deadline was not met. The parties have still not agreed on the procedures for

identifying combatants. The Government undertook to continue discussions and a one-month extension was requested, including by the Agreement Monitoring Committee, to resolve this issue.

**Postponement of the regional elections** (deadline: April 2018) — This postponement, implicitly acknowledged by the entire political class, was formally confirmed by the publication of the notice convening the electorate for the presidential and legislative elections.

**The holding of a high-level workshop on security sector reform, including the reconstituted army** (deadline: March) — The high-level workshop on security sector reform was held from 27 to 29 March and covered the security and defence strategy, the territorial police, the reconstituted army and the outcomes transmitted to the Government. Although the workshop took place, no tangible measures were decided among the parties and several issues were deferred to subsequent consultations.

**Recommendations**

The Independent Observer welcomes the parties' ongoing awareness that the Agreement is the cornerstone of lasting peace in Mali. They continue to express their adherence to the Agreement. Initial observations are that, despite considerable delays, the parties are staying the course and the climate among them is improving, paving the way for significant progress.

The Independent Observer's most important recommendation is that the Malian parties should swiftly overcome prerequisite and peripheral matters and focus firmly on the key objectives that will be genuinely decisive for peace, stability and reconciliation.

At this stage, the Independent Observer recommends that:

- The Malian parties should focus on the core objectives of the Agreement, devoting their energy to changing their approaches and working relationships in order to accelerate implementation. The Independent Observer particularly recommends that future timelines and road maps should focus squarely and realistically on the long-term strategic pillars of the Agreement, namely: (i) a new institutional architecture for Mali; (ii) the redeployment of a reconstituted and representative national army, including the disarmament of former combatants; and (iii) a Northern Development Zone. The Malian parties should avoid becoming bogged down in preconditions related to short-term priorities. Supporters of the implementation process are encouraged to help the parties further stay the course and refocus attention on the real core issues of the Agreement.
- The parties, led by the Government, should urgently establish a communications strategy to make the Agreement a shared national cause.
- The Movements should act swiftly to fulfil their responsibility to provide lists of combatants while taking into account the urgent need for disarmament, which is regarded as a top priority by civil society and women in particular. The Independent Observer notes with deep concern that, for various reasons, the release of the Movements' lists of combatants continues to be postponed.
- The Government should take urgent and exceptional steps to provide the interim authorities with financial, material and human resources for the effective exercise of their functions, including with respect to the provision of basic social services and their participation in the holding of elections.

- The Agreement Monitoring Committee should use all tools at its disposal under article 60. In this regard, the Independent Observer recommends that the Committee should have mechanisms in place that allow its various tasks to be carried out between its monthly sessions.

- Within the framework of its coordination mandate, the Agreement Monitoring Committee should develop mechanisms that enable the actors listed in article 51 — namely, the political class and civil society, especially women, youth, the media, traditional communicators and traditional and religious authorities — to lend their full support to the achievement of the Agreement's objectives.

The working methods used in the implementation process should be reconsidered, in particular to prevent workshops and dialogue sessions from serving as substitutes for decision-making and implementation. Given that the Government is the main actor, it should fully assume long-term responsibility for leadership, in a spirit of consensus, of the implementation of the Agreement. In this regard, the Independent Observer recommends that, instead an increasing number of workshops, priority should be given to consensus-based decision-making centred around meetings organized by the High Representative of the President for the implementation of the Agreement.

## Conclusions

The recent steps taken to accelerate implementation, including the Prime Minister's visit to Kidal, the presence of 43 elements of the Malian Armed Forces participating in the Operational Coordination Mechanism's battalion in Kidal and the submission of lists of combatants for the Operational Coordination Mechanism in Timbuktu, are encouraging signs of a potentially improving dialogue among the Malian parties, despite significant delays in the implementation of the road map and, more broadly, the need for the parties to set realistic goals based on the pillars of the Agreement that will be genuinely decisive for lasting peace in Mali.

This report presents the observations of the Independent Observer over the four-month period from January to April 2018. In the coming period and until the next report in August, the Independent Observer will remain in contact with the parties and will continue to observe meetings, workshops and consultations related to the implementation of the Agreement with the aim of fulfilling its mandate and supporting the Agreement on Peace and Reconciliation in Mali emanating from the Algiers process.